(45)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.1120 OF 2006

PETITIONER — Umabai, W/o Tirath Ram Sahu, Aged about 38 years, R/o Village Ghorda, Post – Arjuni, District – Rajnandgaon (C.G.)

versus

RESPONDENTS

1. State of Chhattisgarh Through Secretary Panchayat Department, DKS Bhawan, Raipur
2. Chief Executive Officer, Jila Panchayat Rajnandgaon
3. Chief Executive Officer, Janpad Panchayat, Dongargaon, District Rajnandgaon
4. Sub-Divisional Officer, Dongargaon Division, R.E.S. Department, Dongargaon, District - Rajnandgaon

Present : Mr. Anup Majumdar, learned counsel for the petitioner.
Mr. Utkarsha Verma, learned Dy. G.A., for the State.

ORAL ORDER
(Passed on 20th March, 2006)

The petitioner alleging that when he was Sarpanch of Ghorda village spent a sum of Rupees One lakh towards supply of materials and labour expenses for the construction of community building in Ghorda village, Rajnandgaon district and when that sum was demanded, the third respondent has refused to honour the demand, this writ petition is filed seeking a direction to the respondents which include State of Chhattisgarh, Chief Executive Officer, Zila Panchayat Rajnandgaon, Chief Executive Officer, Janpad Panchayat Dongargaon and Sub Divisional Officer, Dongargaon Division, to pay a sum of Rupees One Lakh to the

petitioner towards material and labour expenses spent by her for the construction of community building in Ghorda village. The pleadings and documents produced by the petitioner herself would show that the respondents authorities, having noticed the seepage in the construction of the building have taken steps to recover a sum of Rs.27,400/- from the petitioner by issuing notice dated 14-07-2005 marked as Annexure-P/14 at page 31 of the material papers. Of course, that demand is seriously contested by the petitioner, as could be seen, by her reply to the notice. This Court cannot be converted into a trial Court to resolve disputed facts. Moreover, the dispute brought before the Court relates to a pure money claim. In order to grant relief to the petitioner, it becomes imperative for the Court to permit the parties to lead evidence and tender them for cross-examination by each other. In other words, in order to grant relief to the petitioner, this Court should assume the role of a fact-finding authority. In that view of the matter, I dismiss the writ petition reserving liberty to the petitioner to work out her legal remedies before the jurisdictional civil Court. All the contentions raised in this writ petition are left open to be agitated by the petitioner in appropriate legal proceedings. No costs.

Sd/-
Chief Justice

Brajesh.